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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,538	11/21/2001	Diego Kaplan	UTL 00066	2607

7590 11/30/2004

Kyocera Wireless Corp.
Attn: Patent Department
P.O. Box 928289
San Diego, CA 92192-8289

EXAMINER

PHAM, TUAN

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/990,538	Applicant(s) KAPLAN, DIEGO	
	Examiner TUAN A PHAM	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-9, 15, 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-14, and 16-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuoka (Patent No.: JP409016879A) in view of Ray (U.S. Patent No.: 6,192,257).

Regarding claims 1 and 10, Matsuoka teaches a method and apparatus comprising: stimulus monitor (see figure 1, MIC 3, page 1, [0004]; a comparing block (i.e., automatic voice discrimination device) adapted to compare the stimulus to a predetermined event (see figure 1, automatic voice discrimination device 5, constitution, page 1, [0004-0005]; and a calling block (i.e., automatic telephone transmitter) adapted to initiate a mobile call responsive to the comparison of the comparing block (see figure 1, automatic telephone transmitter 6, portable 8, constitution, page 1, [0004-0005]).

It should be noticed that Matsuoka fails to clearly teach a mobile wireless communication device for stimulus monitoring. However, Ray teaches such features (see figure 1, mobile 200, col.3, ln.7-27) for a purpose of transmitting data to the remote site.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a mobile wireless communication device for stimulus monitoring, as taught by Ray, into view of Matsuoka in order to save the space and conveniently move around the house or office.

Regarding claims 2 and 11, Matsuoka teaches the method and apparatus comprising: the stimulus monitor is a sound volume monitor adapted to measure a sound volume level (see figure 1, MIC 3, page 1, [0004]; a comparing block (i.e., automatic voice discrimination device) is adapted to compare the sound volume level to a predetermined level (see figure 1, automatic voice discrimination device 5, constitution, page 1, [0004-0005]; and a calling block (i.e., automatic telephone transmitter) is adapted to initiate a mobile call responsive to the comparison of the comparing block (see figure 1, automatic telephone transmitter 6, portable 8, constitution, page 1, [0004-0005]).

It should be noticed that Matsuoka fails to clearly teach a mobile wireless communication device for stimulus monitoring. However, Ray teaches such features (see figure 1, mobile 200, col.3, ln.7-27) for a purpose of transmitting data to the remote site.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a mobile wireless communication device for stimulus monitoring, as taught by Ray, into view of Matsuoka in order to save the space and conveniently move around the house or office.

Regarding claims 3 and 12, Matsuoka teaches the method and apparatus comprising: the stimulus monitor is a video monitor (see claim 1, mobile video phone); the comparing block (i.e., automatic voice discrimination device) is adapted to detect motion (see claim 1); and the calling block (i.e., automatic telephone transmitter) is adapted to initiate a mobile call responsive to the detection of the comparing block (see figure 1, automatic telephone transmitter 6, portable 8, constitution, page 1, [0004-0005]).

It should be noticed that Matsuoka fails to clearly teach a mobile wireless communication device for stimulus monitoring. However, Ray teaches such features (see figure 1, mobile 200, col.3, ln.7-27) for a purpose of transmitting data to the remote site.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a mobile wireless communication device for stimulus monitoring, as taught by Ray, into view of Matsuoka in order to save the space and conveniently move around the house or office.

Regarding claims 4 and 13, Ray further teaches the method and apparatus comprising: mobile wireless device wherein: the mobile call comprises a communication with a base station (see figure 1, base station 102).

Regarding claims 5 and 14, Matsuoka further teaches the method and apparatus comprising: mobile wireless device wherein: the mobile call comprises: an RF transmission from the mobile wireless device (i.e., i.e., childcare watchman); and a

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second mobile wireless device that receives the RF transmission of the first mobile wireless device (see figure 1, page 1, [0004-0005]).

3. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuoka (Patent No.: JP409016879A) in view of Ray (U.S. Patent No.: 6,192,257) as applied to claim 10 above, and further in view of Blunt (U.S. Patent No.: 5,651,070).

Regarding claims 16-17, Matsuoka and Ray, in combination, Fails to clearly teach the method wherein the comparing step is continuous during the monitoring period. However, Blunt teaches such features (see col.3, ln.11-30) for a purpose of monitoring the ambient sound.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the method wherein the comparing step is continuous during the monitoring period, as taught by Blunt, into view of Matsuoka and Ray in order to monitor the ambient sound.

Allowable Subject Matter

4. Claims 6-9, 15, and 18-19 are allowed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Chek et al. (U.S. Patent No. 5,640,147), Schlager et al. (Pub. No.: U.S. 2002/0021231), Hirayama et al. (Pub. No.: U.S. 2002/0028696), and Robinson (U.S. Patent No. 6,433,683) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s). These references are also concerned for supporting the system and method comprising portable telephone, remote monitoring system in the wireless fashion.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (703) 305-4987. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (703) 305-4708 and

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2643
September 23, 2004
Examiner

Tuan Pham


CURTIS RUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600